

Message Text

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43

ORIGIN EUR-25

INFO OCT-01 ADP-00 SSO-00 L-03 JUSE-00 SEC-03 TRSE-00

NSCE-00 SS-15 NSC-10 CIAE-00 INR-10 NSAE-00 RSC-01

INRE-00 LS-01 /069 R

DRAFTED BY EUR/ CE: GLRUECKERT: MER

05/22/73 20270

APPROVED BY EUR/ CE: MR. SUTTERLIN

OPR/ LS: MR. OBST

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FM SECSTATE WASHDC

TO AMEMBASSY BERN IMMEDIATE

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E. O. 11652: N/ A

TAGS: EFIN, PFOR, US, SZ

SUBJECT: JUDICIAL ASSISTANCE TREATY

1. GERMAN AND ENGLISH TEXTS OF RECOMMENDED CHANGES IN JUDICIAL ASSISTANCE TREATY DRAFT HAVE BEEN COMPARED AND NO SUBSTANTIVE DIFFERENCES HAVE BEEN FOUND IN FOLLOWING CASES: ARTICLE 6, PARA 2 A (2), 3, 3 A, (BERN 1992, 2013 AND 2053); ARTICLE 8, PARA 4 (BERN 1994 AND 2052); AND ARTICLE 10, PARA 2 (BERN 1990 AND 2009).

2. LANGUAGE SERVICES POINTS OUT THAT TEXTUAL INCONSISTENCY EXISTS IN ARTICLE 12, PARA 2 LINE 2 (BERN 2036 AND 2017) WHERE ENGLISH TEXT READS, QTE WHERE THE PRESENCE OF REPRESENTATIVES OF AN AUTHORITY BEGIN UNDERLINE IN THE REQUESTING STATE END UNDERLINE AT THE EXECUTION OF A REQUEST IS REQUIRED... END QTE. HOWEVER, GERMAN TEXT READS QTE WHERE THE PRESENCE OF REPRESENTATIVES BEGIN UNDERLINE OF AN AUTHORITY OF THE REQUESTING STATE OR OF ONE OF ITS CONSTITUENT STATES END UNDERLINE AT THE LIMITED OFFICIAL USE

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EXECUTION OF A REQUEST IS REQUIRED END QUOTE. NO
SUBSTANTIVE DIFFERENCES IN REMAINDER OF TEXT ARTICLE 12,
PARAS 2 AND 3.

3. INCONSISTENCY ALSO EXISTS IN EXCHANGE OF LETTERS TO
ARTICLES 15 AND 17 (BERN 2063 AND 2062). IN PARA 2 (1)
AND IN PARA 2 (6) THE ENGLISH TEXT READS QTE MAKING AND
MAINTAINING (OF) THE DOCUMENT AND RECORDS UNQTE. IN
PARA 2 (1) THE GERMAN TEXT READS QTE HERSTELLUNG UND
BEGIN UNDERLINE DEN UNVERAENDERTEN BESTAND END UNDERLINE
VON SCHRIFTSTUECKEN UND AKTEN UNQTE. IN PARA 2 (6) THE
GERMAN TEXT READS QTE HERSTELLUNG UND BEGIN UNDERLINE
NACHFUEHRUNG END UNERLINE DER SCHRIFTSTUECKE ODER AKTEN
UNQTE. QTE UNVERAENDERTER BESTAND UNQTE TRANSLATES
INTO ENGLISH AS EITHER QTE CONTINUED PRESENCE UNQTE, OR
QTE UNCHANGED STATUS UNQTE OR QTE UNEDITED FORM UNQTE.
QTE NACHFUEHRUNG UNQTE TRANLSATES AS QTE MAINTAINING
UNQTE, OR QTE KEEPING CURRENT UNQTE. THERE ARE NO
SUBSTANTIVE CHANGES IN THE REMAINDER OF THE TEXT.

4. EXCEPT FOR GERMAN TEXT ARTICLE 37, PARA 1 AND 3,
WHICH HAS NOT YET BEEN RECEIVED BY DEPARTMENT, THIS
COMPLETES COMPARISON OF ALL MATERIAL RECEIVED IN
DEPARTMENT BY COB MAY 21. PORTER

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR
Control Number: n/a
Copy: SINGLE
Draft Date: 22 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE097710
Document Source: CORE
Document Unique ID: 00
Drafter: GLRUECKERT: MER
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730551/aaaajpfu.tel
Line Count: 87
Locator: TEXT ON-LINE
Office: ORIGIN EU
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
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Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 04 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04-Oct-2001 by rowelle0>; APPROVED <26 FEB 2002 by golinofr>
Review Markings:

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30 JUN 2005

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Subject: JUDICIAL ASSISTANCE TREATY
TAGS: EFIN, SZ, US
To: BERN
Type: TE
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